

GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute:—Industrial Dispute between the workmen and the management of Hindustan Machine Tools, Ltd., Bangalore.

Award of the Additional Industrial Tribunal, Bangalore—
Published.

Read the following papers :

(i) Letter No.A. I. T. No. 674-5/67-68, dated 7th November 1967 from Sri V. C. Ramachandran, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN
MYSORE, BANGALORE.

Dated 6th November 1967.

PRESENT

Sri V. C. Ramachandran, B.A., B.Sc., A.R.C.S., Bar-at Law,
... *Presiding Officer.*

A. I. D. No. 24 of 1967.

The Workmen of Hindustan Machine Tools, Ltd., Bangalore
... *I Party.*

Vs.

The Management of Hindustan Machine Tools, Ltd.,
Bangalore ... *II Party.*

APPEARANCES.

For the 1st Party.—Sri K. P. Satchindranath, Vice President, INTUC, Bangalore.

For the 2nd Party.—Sri B. P. Bapanna, Advocate,
Bangalore.

REFERENCE

Government Order No. FCL 620 LLD 67, dated 11th September 1967.

AWARD

This is a Reference made by the Government of Mysore of the industrial dispute between the workmen and the management of the Hindustan Machine Tools, Ltd., Bangalore, under Section 10 (1) (d) of the Industrial Disputes Act, 1947, the said dispute being with regard to the justification of the employees of Hindustan Machine Tools, Ltd., demanding 20 per cent of their salary as Profit Sharing Bonus for the year 1966-67 and if not to what quantum of Profit Sharing Bonus, they are entitled to for the said year 1966-67?

2. The case of the employees is that the Hindustan Machine Tools Ltd. is a prosperous concern and has been making large profits by sales of machinery throughout the country and also abroad and that the said prosperity of the Company should be shared by the employees who are given wages hardly sufficient to meet the rising cost of living. They further submit that the gap between the living wage and the actual wage had been very wide and bonus is claimed to fill in that gap to a certain extent as the workers had contributed to the prosperity of the Company. They contend that they are entitled to adequate and substantial bonus to fill in the wide gap between the living wage and the actual wage. The employees pray that they may be given maximum bonus under the Payment of Bonus Act, 1965 for the said year, 1966-67.

3. The II Party refers to an order passed by the Government of India, dated 17th October 1967 under which in exercise of the powers conferred by Section 7-B and sub sections (1A) and (5) of Section 10 of the Industrial Disputes Act, 1947, the Central Government constituted a National Tribunal at Calcutta and referred the very same dispute viz., the Demand of the workmen of Hindustan Machine Tools, Ltd., Bangalore, for payment of Bonus at the rate of 20 per cent of their salary for the year 1966-67, to the said National Tribunal for adjudication along with certain other disputes with which we are not concerned. The position is, therefore, that the same dispute has been referred by the Government of Mysore to this Tribunal and by the Central Government to the

National Tribunal at Calcutta. In those circumstances, the provisions of Section 10(6) are attracted according to which where any reference has been made under sub-section (1A) to a National Tribunal, then notwithstanding anything contained in this Act, no Tribunal shall have jurisdiction to adjudicate upon any matter which is under adjudication before the National Tribunal and reference before the Tribunal in which it is pending shall be deemed to have been quashed on such Reference to the National Tribunal.

3. In the result, in view of the provisions of Section 10(6) of the Industrial Disputes Act, 1947, I make the following Award:

This Tribunal has no jurisdiction to adjudicate upon the matter referred to it in view of the fact that the same dispute has been referred by the Central Government to the National Tribunal and accordingly, the reference is deemed to have been quashed.

V. C. RAMAACHANDRAN,
Presiding Officer,
Additional Industrial
Tribunal, Bangalore

ORDER

Bangalore, dated the 13th November 1967.

S. J. 2176.—WHEREAS by State Government Order No. FOL 620 LLD 67, dated 11th September 1967, the Industrial Dispute between the Workmen and the Management of Hindustan Machine Tools Ltd., Bangalore was referred to the Industrial Tribunal, Bangalore for adjudication;

AND WHEREAS this dispute was transferred to the A. I. T., Bangalore by G. O. No. LMA 595 LLE 66, dated 17th December 1966.

AND WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FOL 620 LLD 67.]

By Order and in the name of the Governor of Mysore.

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G. G. PURBHIT, Under Secy.